IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3927 of 2007()

[CRIME NO.334/2007 OF VALAPATTANAM POLICE STATION]

PETITIONER/ACCUSED

K.P.SUNDARAN, S/O.ANANDAN,
AGED 60 YEARS, MYTHILI NIVAS, P.O.AZEECODE,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: RESPONDENT

STATE OF KERALA REPRESENTED BY
STATION HOUSE OFFICER, VALAPATTANAM POLICE STATION
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3927 of 2007

Dated this the 29th day of June 2007

O R D E R

Application for anticipatory bail. The petitioner is the owner of a hotel. He faces allegations that theft of electrical energy was committed in his premises. The F.I.R has been registered under the relevant provisions of the Indian Electricity Act, 2003. The police can only investigate but cognizance can be taken by the Magistrate only on the basis of the complaint of the notified authority. Investigation is in progress. Demand has been made of a huge amount from the petitioner. The petitioner had approached this court and restoration of electrical energy connection has been ordered on condition of payment of a specified amount. The petitioner, in these circumstances, apprehends arrest at any moment . It is submitted that the petitioner is absolutely innocent. Directions under Section 438 Cr.P.C may be issued in favour of the petitioner, it is prayed.

2. Application is not seriously opposed by the learned Public Prosecutor and I am satisfied in the facts and circumstances of this case that appropriate directions can be issued under Section 438 Cr.P.C subject, of course, to conditions which shall ensure the interests of a fair, efficient and expeditious investigation.

3. This petition is hence allowed. The petitioner shall be released on bail on the following terms and conditions:

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 07/07/2007.

ii) He shall be released on regular bail on condition that he executes bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 4 p.m on 09/07/2007 and 10/7/2007 and thereafter as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with them in accordance with law, as if these directions were not issued at all.

(v) If he was arrested prior to 07/07/2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 07/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007